

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

ALICE BROOKS,

Plaintiff,

vs.

Bloomin' Brands, Inc. (d/b/a Bonefish Grill
and Bonefish Grill of Florida, LLC),

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-

**SUMMONS
(JURY TRIAL DEMNANDED)**

TO: DEFENDANT ABOVE NAMED, BLOOMIN' BRANDS, INC.:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you and to serve a copy of your Answer to said Complaint on the Plaintiff or their attorney, Myesha L. Brown, Esquire, at 712 North Cedar Street, Summerville, South Carolina 29483, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

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**COMPLAINT
(JURY TRIAL)**

The Plaintiff above-named, by and through the undersigned attorney, alleges and shows as follows:

PARTIES

1. Plaintiff is a citizen and resident of the County of Charleston, State of South Carolina.

2. Upon information and belief, Defendant Bloomin' Brands, Inc. d/b/a Bonefish Grill is a corporation existing under the laws of Delaware, with its principal place of business in Florida, doing business in and under the laws of the State of South Carolina. Upon further information and belief, Defendant Bonefish Grill of Florida, LLC is a limited liability company existing under the laws of Florida, doing business in and under the laws of the State of South Carolina. Upon further information and belief, Defendant Bonefish Grill, LLC is a Florida limited liability company, doing business in and under the laws of the State of South Carolina. Defendants are all hereinafter collectively referred to as "Bonefish Grill".

JURISDICTION & VENUE

3. Bonefish Grill owns, operates, and controls the Bonefish Grill restaurant located at 5401 International Boulevard, North Charleston, South Carolina where the incident occurred on September 25, 2019. Bonefish Grill is located in the County of Charleston, South Carolina.

4. On September 25, 2019, Plaintiff and several friends patronized Bonefish Grill, located at 5401 International Boulevard, North Charleston, South Carolina for the purposes of eating brunch at the establishment.

5. While on the Defendant's premises on September 25, 2019, Plaintiff was injured.

6. This Honorable Court has jurisdiction and proper venue over parties and the subject matter herein set forth.

FACTS

7. Alice Brooks is an eighty-three (83) year old woman who has been a life-long resident of the City of North Charleston. She was employed as a Certified Nursing Assistant (CNA) for nearly twenty (20) years before she retired.

8. That at all times, the Bonefish Grill employees were acting in the course and scope of their employment.

9. That on September 25, 2019, Ms. Brooks went to Defendant's restaurant Bonefish Grill located at 5401 International Boulevard, North Charleston, South Carolina, to have lunch with her friends.

10. That at this time, the restaurant staff instructed Ms. Brooks and her friends to wait in the designated waiting area, on a bench, until such time as seating in the main dining area became available.

11. That Ms. Brooks walked to one end of the bench to get a pillow to place behind

her back.

12. That as she returned to sit down on the bench, she tripped over a floor mat that was protruding out at an angle from underneath the bench and fell down to the floor.

13. That a guest seated at the bar area assisted Ms. Brooks to her feet and a staff member inquired into Ms. Brooks' wellbeing after the fall.

14. That Ms. Brooks sustained immediate serious injuries to her head, hip, and right Shoulder as a result of Bonefish's actions or lack thereof.

FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE/ GROSS NEGLIGENCE)

15. That Plaintiff incorporates the preceding allegations in paragraphs one (1) through fourteen (14) as if fully set verbatim.

16. That Defendant Bonefish owes a duty to invitees, including Plaintiff Brooks, to discover risks and to take safety precautions to warn of or eliminate unreasonable risks within the area of invitation on the premises.

17. That Defendant Bonefish breached its duty of care owed to Plaintiff Brooks by carelessly, negligently, and willfully failing to discover risks and failing to take safety precautions necessary to warn of or eliminate unreasonable risks within the area of invitation on the premises.

18. That at said time and place, Defendant Bonefish by its acts and omissions was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars:

- a. In failing to exercise ordinary care to keep premises in reasonably safe condition as required under S. C. Code of law;
- b. In overseeing the creation of dangerous and defective conditions;

- c. In failing to inspect, identify, repair and/or replace the flooring and furniture of the restaurant, creating a danger thereon;
- d. In failing to properly and thoroughly inspect the property;
- e. In failing to properly maintain, control, operate and/or manage the subject property;
- f. In failing to properly oversee that the subject property was maintained in a safe condition and free of dangerous objects;
- g. In failing to properly safeguard against dangerous and/or unsafe conditions;
- h. In failing to properly hire, train, supervise, retain, and/or monitor its employees and agents;
- i. In failing to properly identify and report dangerous and/or unsafe conditions at the subject property;
- j. In creating an unreasonably dangerous condition for Plaintiff Brooks and other guests, invitees, and members of the public;
- k. In failing to take proper precautions to ensure that there were no existing, unreasonably dangerous conditions on the premises;
- l. In failing to keep the hazardous flooring conditions zoned off and away from Plaintiff Brooks and other members of the public;
- m. In failing to exercise the degree of care and caution that a reasonably prudent person of ordinary care and caution would have exercised under the same and similar circumstances then and there prevailing;

- n. In failing to warn of the dangerous conditions created by the flooring and the rolled-up mats underneath the bench occupied by Plaintiff Brooks and other guests;
- o. In failing to place Plaintiff Brooks and/or other guests, invitees, and members of the public in reasonably safe conditions while on the premises; and
- p. In such other and further particulars as the evidence at trial may show.

19. That all of Defendant Bonefish's acts and omissions thereof were the direct and proximate cause of the injuries sustained by Plaintiff Brooks and said acts are in violation of statutory and common laws of the State of South Carolina.

20. That the Plaintiff is entitled to actual damages and punitive damages due to willful and recklessness of Defendant Bonefish's actions, in the following particulars to wit:

- a. Physical pain and suffering;
- b. Medical expenses;
- c. Loss of income;
- d. Future pain and suffering;
- e. Loss of enjoyment of life; and
- f. Future standard of living.

FOR A SECOND CAUSE OF ACTION
(DISCOVERY AS TO ALL DEFENDANTS)

21. That Plaintiff incorporates the preceding allegations in paragraphs one (1) through twenty (20) as if fully set verbatim

22. That Plaintiff should be authorized and allowed to engage in pre-trial discovery authorized by the South Carolina Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter Judgment against the Defendants in favor of the Plaintiff, jointly and severally, as follows:

- A. Actual and compensatory damages;
- B. Punitive damages;
- C. Costs incurred in this action and reasonable attorney fees;
- D. Prejudgment and post-judgment interest; and
- E. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

THE MLB LAW FIRM, LLC

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ATTORNEYS FOR PLAINTIFF